

GOVERNOR'S LEAD POISONING PREVENTION COMMISSION
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore MD 21230

MDE AERIS Conference Room
August 2, 2018

APPROVED Minutes

Members in Attendance

Shana G. Boscak, Anna L. Davis, Benita Cooper, Susan Kleinhammer, Patricia McLaine, John P. Martonick, Cliff Mitchell, Paula Montgomery, Barbara Moore, Leonidas Newton, Christina Peusch (via phone), Adam Skolnik

Members not in Attendance

Mary Beth Haller, Manjula Paul, John Scott

Guests in Attendance

Shante Branch (MDE), Camille Burke (BCHD), Jack Daniels (DHCD), Matthew Hudson (EHB-Hopkins), Ludeen McCartney-Green (GHHI), Lisa Horne (MDH), Dawn Joy (AMA), Erin Paul (Arc), Bill Peach (HABC)

Welcome and Introductions

Pat McLaine called the meeting to order at 9:35 AM with welcome and introductions.

Approval of Minutes

A motion was made by Adam Skolnik, seconded by Cliff Mitchell to accept the July 2018 minutes as amended. All present Commissioners were in favor and the minutes were approved.

Old Business

HUD Grant Report – quarterly reports for January–March 2018 and April-June 2018 were received from Sheneka Fraiser-Kyer, Lead Hazard Reduction Program, Department of Housing and Community Development, Division of Green Healthy and Sustainable Homes. There were no questions about the reports. Cliff Mitchell noted that Baltimore City now has three funding streams for kids with BLLs of 5µg/DL and higher: HUD grants program, the Asthma and lead program and the housing program funded by Medicaid. Baltimore City is one of nine jurisdictions taking part in a lead and asthma program offering a strictly defined set of services including home visits, supplies and a protocol; a separate evaluation is planned. Health outcomes will be followed. Mixed funding streams are a challenge for Baltimore City. Regarding tracking, Cliff Mitchell said that the jurisdictions provide information to MDH by ID, including lost to follow-up, services received and outcomes.

Pat McLaine stated that Sheneka Fraiser-Keyer had requested that the Lead Commission provide a letter to HUD in support of their new application, going in today. A draft letter of support was reviewed. Motion was made by Adam Skolnik seconded by Anna Davis to send the letter of support to HUD. All present Commissioners were in favor; the letter was signed and will be delivered to Sheneka Fraiser-Kyer this morning.

Lead Commission Minutes

August 2, 2018

Page 2

New Business

MDE Compliance and Enforcement Update

Paula Montgomery reviewed a written report on the last fiscal year from MDE ending June 2018. “Significant Violations” are violations with a direct impact on public health. The inspection rate (42%) is based on the number of registered properties and the number of sites with inspections (includes accredited lead paint service providers and MDE). Paula Montgomery indicated that some of the ongoing significant violations had been settled. The 117 inspected sites with significant violations represented 5% of all inspections done by MDE. In the last fiscal year, MDE issued formal actions for 907 units. In terms of the significant violations, 1123 were resolved and 616 are on-going. With regards to enforcement actions, 144 Administrative Actions were taken by MDE, one action was filed in District Court, 116 penalty and enforcement actions were taken, one case was referred to the AG for criminal action and MDE entered into 4 SEPS affecting 631 units. Total administrative or civil penalties collected in the last fiscal year were \$375,840. Paula indicated that this report is on MDE’s website and suggested Commissioners could look at historical data if desired; a few of the elements have changed over time. Sue Kleinhammer stated that the number of units registered at the end of the FY seemed low (133,809). Ninety thousand properties were built pre-1950. She wondered if thousands of pre-1950 units may be non-compliant. Adam Skolnik stated that most of the multi-family units are lead free. Paula Montgomery said she is concerned about the number of 1950-1978 units and thinks the numbers should be double what they are. She stated that Maryland has almost 150,000 lead-free units. Pat McLaine asked if there is a large number of properties that are not registered and not lead free. Paula Montgomery stated that MDE does determine if children were poisoned in non-compliant properties. Kids are not being poisoned in compliant properties. Paula Montgomery stated she would need to run another program to find out.

John Martonick stated that he didn’t think it is a leap of faith that there are a lot of kids living in non-compliant properties that don’t get tested. Maybe we should be creating a database so we can identify properties that are not compliant. Paula Montgomery stated that the BLLs are going down. A large number of Maryland children were exposed to lead before coming to the US. There are more non-housing factors involved with new cases. The number of children poisoned in older housing is decreasing due to enforcement, outreach and education, better screening and knowledge by health care providers. Paula Montgomery stated that she believes this is working. When the law first started, 60,000 children were tested. MDE expects that more than 118,000 children were tested in 2017.

Adam Skolnik suggested that if one line is added to the report – the number of lead-free units, which MDE already has, the report would be clearer. The American Community Survey estimates there are 729,000 total rental units in Maryland.

Paula Montgomery stated that MDE can provide the number of lead free units since the program began. She suggested there may be some double counting (for example, “passing lead free certs” and “limited lead free since 1996”). Paula Montgomery stated she would do that for the next report.

Lead Commission Minutes

August 2, 2018

Page 3

DHCD – 4th Quarter Update

Jack Daniels provided a written report for review. DHCD now has just less than \$1.7 million in 3 programs, with remediation in 109 properties. The Healthy Homes for Healthy Kids program was added at about \$500,000. DHCD received an additional \$4.66 million in additional funding for the Healthy Homes for Healthy Kids program.

DHCD is providing a match for BCHD’s proposed HUD Grant, being submitted today. The Agency’s Baltimore City Lead Initiative has been funding Baltimore City. In Western Maryland, DHCD made a presentation about the program; so far DHCD has identified a large group of properties in Hagerstown and has two applications in Alleghany County. Cliff Mitchell is doing at least one Grand Rounds on testing and the program in Western Maryland and the success of the program looks good.

Jack Daniels stated that the majority of properties treated under this program are owner-occupied. The new Healthy Homes for Healthy Kids is expected to include rental properties. This program cannot treat properties with more than 4 units (these require multi-family funding). Sue Kleinhammer asked about resources for Western Maryland and Shore counties. Jack Daniels said that he can provide information about other funds available to property owners in Western Maryland, Worcester and the other Shore counties. Rental properties must be registered with no existing fines. Jack Daniels stated that the program’s Assistant Director now lives in Berlin and works in the Cambridge office one day per week. Ludeen McCartney-Green asked if families were relocated. Jack Daniels stated they were but that no money was provided for food. He said that DHCD looks for short term leases or local hotels. The program includes relocation and storage of belongings. Abatement may be \$80-100,000 if the property has contaminated soil. Local Health Departments are doing some testing of non-housing items.

Baltimore City Childhood Lead Poisoning Prevention Fiscal Year Report

Camille Burke provided an outline of the report for the Commission to review; she is still waiting for data. She asked Commissioners to provide feedback; she will present the report at an upcoming meeting. Point of Care testing by BCHD program started in October 2017. A new pamphlet was just printed by Housing and Community Development on the new registration and licensing requirements for all rental properties. Prior to this, lead violations were separate from the housing system; now lead is a part of the housing system. A new grant from CDC is outreach-focused, not primary prevention. The City is determining what it will do. Saturday, August 4, is the City’s Back to School event. BCHD is providing immunizations and lead testing at War Memorial. BCHD will also test adults who request it. Adam Skolnik noted that the City’s inspection form is on-line now. Jason is working on this. Home inspectors will look for rental registration and certificate or lead free certificate. Sue Kleinhammer suggested there

may be issues with the checklist. Adam Skolnik noted there is an impact on multi-family property owners too; home inspectors will have to do most of the inspections for multi-family properties. Ludeen McCartney-Green noted that certification is required before the owner can get a license number. Registration fee is \$30; there is some confusion. District Court will be providing trainings in October 2018; GHHI will be providing assistance. This is a good step.

Lead Commission Minutes
August 2, 2018
Page 4

Maryland Multi-Housing Association has supported inspection of all rental properties for more than two years. The law states that the owner must show proof that the property has met the requirements of the lead law. Section 8 properties with Section 8 certificates don't need an additional inspection. The City identifies the age of property and rental/owner occupancy status.

Other New Business

Paula Montgomery noted that National Lead Week is in October; she asked for ideas and suggestions from the Commission and interested public. Last year, the focus was on universal testing

Cliff Mitchell said that MDH is thinking about this too. He suggested that the Commission might want to think about our progress, long term goals and vision. What is our goal for eliminating childhood lead poisoning? We are seeing relatively few children with BLLs of 10µg/dL or higher but we are seeing significant numbers of children with BLLs in the 5-9µg/dL range. We can't eradicate lead poisoning because there is too much lead in the environment to eliminate exposures. What is our strategy related to source reduction and prevention? Cliff Mitchell suggested that it is time to give the public, the governor, the legislature a sense of our goal for controlling lead in Maryland.

Adam Skolnik stated that this suggested that we might need a strategic planning meeting, which he thought was a great idea. He recommended we hire a facilitator. What is the strategic plan for the Commission?

Paula Montgomery suggested that the Commission should look at the 5-9µg/dL BLLs from the source perspective: should we keep incorporating kids from other countries in the numbers? Do we have evidence that housing interventions are working in terms of preventing BLLs 5-9µg/dL?

Cliff Mitchell asked, as a practical matter, what do we want? MDH wants to ensure that kids are not exposed. Providers see kids and identify exposures and manage effectively. The Department of Education – how are they providing for kids with lead exposure? The Commission needs to provide additional guidance to Maryland. Where are we? What is still needed? We clearly have not eliminated all lead sources in the state.

Cliff Mitchell indicated that MDH's Commissions on Environmental Justice and Sustainable Communities and the Children's Environmental Health and Protection Advisory Council would also be interested in what the Commission decides to do.

Paula Montgomery and Cliff Mitchell will discuss strategies for funding for strategic planning. Adam Skolnik will provide concrete suggestion for the strategic planning next month. Both will report back at the September meeting.

Future Meeting Dates

The next Lead Commission Meeting is scheduled for Thursday, September 6, 2018 at MDE in the AERIS Conference Room – Front Lobby, 9:30 – 11:30 AM.

Lead Commission Minutes

August 2, 2018

Page 5

Agency updates

Maryland Department of Environment – nothing else to report

Maryland Department of Health – Cliff Mitchell reported that MDH will be working with the Childhood Lead Registry staff to conduct analysis of the first full year of universal testing to evaluate success, identify problems and areas for improvement. November begins the second fiscal year of operating two Medicaid-funded programs focused on lead. MDH will report on outcomes associated with those programs. Nine jurisdictions are participating, nearly 80% of kids with BLLs of 5µg/dL and above.

Maryland Department of Housing and Community Development – Jack Daniels stated he had nothing more to add. DHCD has \$2.5 million already committed and approved in the new FY. He stated that DHCD expects to use all the state funding by February 2019.

Baltimore City Health Department – Camille Burke reported that Baltimore City has been named the 2018 Local Health Department of the year by the National Association of City and County Health Organizations (NACCHO).

Baltimore City Housing and Community Development – nothing to report

Office of Child Care – no representative present

Maryland Insurance Administration – Benita Cooper asked what the Commission would be interested in hearing about. Suggestions were made: what the agency is doing now; from a monetary perspective, are additional funds needed?

Public Comment

Chris Peusch reported that the pre-1978 child care regulations on lead are being written; there has been confusion about the type of certification that is needed. The child care community wants more information; MDE will follow up.

Adjournment

A motion was made by Cliff Mitchell to adjourn the meeting, seconded by Adam Skolnik. The motion was approved unanimously and the meeting was adjourned at 11:15 AM.

